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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2012	.	
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The Committee on Criminal Justice (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 827.03, Florida Statutes, is amended to read:

827.03 Abuse, aggravated abuse, and neglect of a child; penalties.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Aggravated child abuse” occurs when a person:

1. Commits aggravated battery on a child;

2. Willfully tortures, maliciously punishes, or willfully



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13 and unlawfully cages a child; or
14 3. Knowingly or willfully abuses a child and in so doing
15 causes great bodily harm, permanent disability, or permanent
16 disfigurement to the child.
17 (b) "Child abuse" means:
18 1.(a) Intentional infliction of physical or mental injury
19 upon a child;
20 2.(b) An intentional act that could reasonably be expected
21 to result in physical or mental injury to a child; or
22 3.(e) Active encouragement of any person to commit an act
23 that results or could reasonably be expected to result in
24 physical or mental injury to a child.
25
26 ~~A person who knowingly or willfully abuses a child without~~
27 ~~causing great bodily harm, permanent disability, or permanent~~
28 ~~disfigurement to the child commits a felony of the third degree,~~
29 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
30 ~~(2) "Aggravated child abuse" occurs when a person:~~
31 ~~(a) Commits aggravated battery on a child;~~
32 ~~(b) Willfully tortures, maliciously punishes, or willfully~~
33 ~~and unlawfully cages a child; or~~
34 ~~(c) Knowingly or willfully abuses a child and in so doing~~
35 ~~causes great bodily harm, permanent disability, or permanent~~
36 ~~disfigurement to the child.~~
37
38 ~~A person who commits aggravated child abuse commits a felony of~~
39 ~~the first degree, punishable as provided in s. 775.082, s.~~
40 ~~775.083, or s. 775.084.~~
41 (c) "Maliciously" means wrongfully, intentionally, and



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42 without legal justification or excuse. Maliciousness may be
43 established by circumstances from which one could conclude that
44 a reasonable parent would not have engaged in the damaging acts
45 toward the child for any valid reason and that the primary
46 purpose of the acts was to cause the victim unjustifiable pain
47 or injury.

48 (d) "Mental injury" means injury to the intellectual or
49 psychological capacity of a child as evidenced by a discernible
50 and substantial impairment in the ability of the child to
51 function within the normal range of performance and behavior as
52 supported by expert testimony.

53 (e) ~~(3)~~ (a) "Neglect of a child" means:

54 1. A caregiver's failure or omission to provide a child
55 with the care, supervision, and services necessary to maintain
56 the child's physical and mental health, including, but not
57 limited to, food, nutrition, clothing, shelter, supervision,
58 medicine, and medical services that a prudent person would
59 consider essential for the well-being of the child; or

60 2. A caregiver's failure to make a reasonable effort to
61 protect a child from abuse, neglect, or exploitation by another
62 person.

63
64 Except as otherwise provided in this section, neglect of a child
65 may be based on repeated conduct or on a single incident or
66 omission that results in, or could reasonably be expected to
67 result in, serious physical or mental injury, or a substantial
68 risk of death, to a child.

69 (2) OFFENSES.—

70 (a) A person who commits aggravated child abuse commits a



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71 felony of the first degree, punishable as provided in s.
72 775.082, s. 775.083, or s. 775.084.

73 (b) A person who willfully or by culpable negligence
74 neglects a child and in so doing causes great bodily harm,
75 permanent disability, or permanent disfigurement to the child
76 commits a felony of the second degree, punishable as provided in
77 s. 775.082, s. 775.083, or s. 775.084.

78 (c) A person who knowingly or willfully abuses a child
79 without causing great bodily harm, permanent disability, or
80 permanent disfigurement to the child commits a felony of the
81 third degree, punishable as provided in s. 775.082, s. 775.083,
82 or s. 775.084.

83 (d) ~~(e)~~ A person who willfully or by culpable negligence
84 neglects a child without causing great bodily harm, permanent
85 disability, or permanent disfigurement to the child commits a
86 felony of the third degree, punishable as provided in s.
87 775.082, s. 775.083, or s. 775.084.

88 (3) EXPERT TESTIMONY.—

89 (a) Except as provided in paragraph (b), a physician may
90 not provide expert testimony in a criminal child abuse case
91 unless the physician is a physician licensed under chapter 458
92 or chapter 459 or has obtained certification as an expert
93 witness pursuant to s. 458.3175.

94 (b) A physician may not provide expert testimony in a
95 criminal child abuse case regarding mental injury unless the
96 physician is a physician licensed under chapter 458 or chapter
97 459 who is board certified in psychiatry or has obtained
98 certification as an expert witness pursuant to s. 458.3175.

99 (c) A psychologist may not give expert testimony in a



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100 criminal child abuse case regarding mental injury unless the
101 psychologist is licensed under chapter 490.

102 (d) The expert testimony requirements of this subsection
103 apply only to criminal child abuse cases and not to family court
104 or dependency court cases.

105 ~~(4) For purposes of this section, "maliciously" means~~
106 ~~wrongfully, intentionally, and without legal justification or~~
107 ~~excuse. Maliciousness may be established by circumstances from~~
108 ~~which one could conclude that a reasonable parent would not have~~
109 ~~engaged in the damaging acts toward the child for any valid~~
110 ~~reason and that the primary purpose of the acts was to cause the~~
111 ~~victim unjustifiable pain or injury.~~

112 Section 2. Paragraph (d) of subsection (1) of section
113 775.084, Florida Statutes, is amended to read:

114 775.084 Violent career criminals; habitual felony offenders
115 and habitual violent felony offenders; three-time violent felony
116 offenders; definitions; procedure; enhanced penalties or
117 mandatory minimum prison terms.-

118 (1) As used in this act:

119 (d) "Violent career criminal" means a defendant for whom
120 the court must impose imprisonment pursuant to paragraph (4) (d),
121 if it finds that:

122 1. The defendant has previously been convicted as an adult
123 three or more times for an offense in this state or other
124 qualified offense that is:

125 a. Any forcible felony, as described in s. 776.08;

126 b. Aggravated stalking, as described in s. 784.048(3) and
127 (4);

128 c. Aggravated child abuse, as described in s. 827.03(2) (a);



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129 d. Aggravated abuse of an elderly person or disabled adult,
130 as described in s. 825.102(2);

131 e. Lewd or lascivious battery, lewd or lascivious
132 molestation, lewd or lascivious conduct, or lewd or lascivious
133 exhibition, as described in s. 800.04 or s. 847.0135(5);

134 f. Escape, as described in s. 944.40; or

135 g. A felony violation of chapter 790 involving the use or
136 possession of a firearm.

137 2. The defendant has been incarcerated in a state prison or
138 a federal prison.

139 3. The primary felony offense for which the defendant is to
140 be sentenced is a felony enumerated in subparagraph 1. and was
141 committed on or after October 1, 1995, and:

142 a. While the defendant was serving a prison sentence or
143 other sentence, or court-ordered or lawfully imposed supervision
144 that is imposed as a result of a prior conviction for an
145 enumerated felony; or

146 b. Within 5 years after the conviction of the last prior
147 enumerated felony, or within 5 years after the defendant's
148 release from a prison sentence, probation, community control,
149 control release, conditional release, parole, or court-ordered
150 or lawfully imposed supervision or other sentence that is
151 imposed as a result of a prior conviction for an enumerated
152 felony, whichever is later.

153 4. The defendant has not received a pardon for any felony
154 or other qualified offense that is necessary for the operation
155 of this paragraph.

156 5. A conviction of a felony or other qualified offense
157 necessary to the operation of this paragraph has not been set



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158 aside in any postconviction proceeding.

159 Section 3. Subsection (1) of section 775.0877, Florida
160 Statutes, is amended to read:

161 775.0877 Criminal transmission of HIV; procedures;
162 penalties.—

163 (1) In any case in which a person has been convicted of or
164 has pled nolo contendere or guilty to, regardless of whether
165 adjudication is withheld, any of the following offenses, or the
166 attempt thereof, which offense or attempted offense involves the
167 transmission of body fluids from one person to another:

168 (a) Section 794.011, relating to sexual battery;

169 (b) Section 826.04, relating to incest;

170 (c) Section 800.04, relating to lewd or lascivious offenses
171 committed upon or in the presence of persons less than 16 years
172 of age;

173 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
174 relating to assault;

175 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
176 relating to aggravated assault;

177 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
178 relating to battery;

179 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
180 relating to aggravated battery;

181 (h) Section 827.03(2)(c)~~(1)~~, relating to child abuse;

182 (i) Section 827.03(2)(a), relating to aggravated child
183 abuse;

184 (j) Section 825.102(1), relating to abuse of an elderly
185 person or disabled adult;

186 (k) Section 825.102(2), relating to aggravated abuse of an



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187 elderly person or disabled adult;

188 (l) Section 827.071, relating to sexual performance by
189 person less than 18 years of age;

190 (m) Sections 796.03, 796.07, and 796.08, relating to
191 prostitution; or

192 (n) Section 381.0041(11)(b), relating to donation of blood,
193 plasma, organs, skin, or other human tissue,

194

195 the court shall order the offender to undergo HIV testing, to be
196 performed under the direction of the Department of Health in
197 accordance with s. 381.004, unless the offender has undergone
198 HIV testing voluntarily or pursuant to procedures established in
199 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
200 rule providing for HIV testing of criminal offenders or inmates,
201 subsequent to her or his arrest for an offense enumerated in
202 paragraphs (a)-(n) for which she or he was convicted or to which
203 she or he pled nolo contendere or guilty. The results of an HIV
204 test performed on an offender pursuant to this subsection are
205 not admissible in any criminal proceeding arising out of the
206 alleged offense.

207 Section 4. Subsection (3) of section 782.07, Florida
208 Statutes, is amended to read:

209 782.07 Manslaughter; aggravated manslaughter of an elderly
210 person or disabled adult; aggravated manslaughter of a child;
211 aggravated manslaughter of an officer, a firefighter, an
212 emergency medical technician, or a paramedic.—

213 (3) A person who causes the death of any person under the
214 age of 18 by culpable negligence under s. 827.03(2)(b)~~(3)~~
215 commits aggravated manslaughter of a child, a felony of the



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216 first degree, punishable as provided in s. 775.082, s. 775.083,
217 or s. 775.084.

218 Section 5. Paragraphs (f), (g), and (i) of subsection (3)
219 of section 921.0022, Florida Statutes, are amended to read:

220 921.0022 Criminal Punishment Code; offense severity ranking
221 chart.—

222 (3) OFFENSE SEVERITY RANKING CHART

223 (f) LEVEL 6

224

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.

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231	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
232	784.041	3rd	Felony battery; domestic battery by strangulation.
233	784.048 (3)	3rd	Aggravated stalking; credible threat.
234	784.048 (5)	3rd	Aggravated stalking of person under 16.
235	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
236	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
237	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
238	784.081 (2)	2nd	Aggravated assault on specified official or employee.
239	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
240	784.083 (2)	2nd	Aggravated assault on code inspector.
241	787.02 (2)	3rd	False imprisonment; restraining with



purpose other than those in s. 787.01.

242

790.115(2)(d) 2nd Discharging firearm or weapon on school property.

243

790.161(2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

244

790.164(1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

245

790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

246

794.011(8)(a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

247

794.05(1) 2nd Unlawful sexual activity with specified minor.

248

800.04(5)(d) 3rd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.

249

800.04(6)(b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

250



251	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
252	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
253	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
254	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
255	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
256	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
257	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
258	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
259	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.



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260	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
261	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
262	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
263	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
264	<u>827.03 (2) (c)</u> 827.03 (1)	3rd	Abuse of a child.
265	<u>827.03 (2) (d)</u> 827.03 (3) (e)	3rd	Neglect of a child.
266	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
267	836.05	2nd	Threats; extortion.
268	836.10	2nd	Written threats to kill or do bodily injury.
	843.12	3rd	Aids or assists person to escape.



269	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
270	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
271	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
272	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
273	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
274	944.40	2nd	Escapes.
275	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
276	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional



facility.

277

951.22(1) 3rd Intoxicating drug, firearm, or weapon
introduced into county facility.

278

279 (g) LEVEL 7

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Florida Statute	Felony Degree	Description
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281

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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282

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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283

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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284

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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285

402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration,
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permanent disability, or death.

286

409.920 3rd Medicaid provider fraud; \$10,000 or
(2) (b) 1.a. less.

287

409.920 2nd Medicaid provider fraud; more than
(2) (b) 1.b. \$10,000, but less than \$50,000.

288

456.065 (2) 3rd Practicing a health care profession
without a license.

289

456.065 (2) 2nd Practicing a health care profession
without a license which results in
serious bodily injury.

290

458.327 (1) 3rd Practicing medicine without a license.

291

459.013 (1) 3rd Practicing osteopathic medicine without
a license.

292

460.411 (1) 3rd Practicing chiropractic medicine
without a license.

293

461.012 (1) 3rd Practicing podiatric medicine without a
license.

294

462.17 3rd Practicing naturopathy without a
license.

295



296	463.015 (1)	3rd	Practicing optometry without a license.
297	464.016 (1)	3rd	Practicing nursing without a license.
298	465.015 (2)	3rd	Practicing pharmacy without a license.
299	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
300	467.201	3rd	Practicing midwifery without a license.
301	468.366	3rd	Delivering respiratory care services without a license.
302	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
303	483.901 (9)	3rd	Practicing medical physics without a license.
304	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
305	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained



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exceeded \$50,000 and there were five or more victims.

306

560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

307

560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

308

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

309

775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

310

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

311

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

312

782.051(3) 2nd Attempted felony murder of a person by



a person other than the perpetrator or
the perpetrator of an attempted felony.

313

782.07(1) 2nd Killing of a human being by the act,
procurement, or culpable negligence of
another (manslaughter).

314

782.071 2nd Killing of a human being or viable
fetus by the operation of a motor
vehicle in a reckless manner (vehicular
homicide).

315

782.072 2nd Killing of a human being by the
operation of a vessel in a reckless
manner (vessel homicide).

316

784.045(1)(a)1. 2nd Aggravated battery; intentionally
causing great bodily harm or
disfigurement.

317

784.045(1)(a)2. 2nd Aggravated battery; using deadly
weapon.

318

784.045(1)(b) 2nd Aggravated battery; perpetrator aware
victim pregnant.

319

784.048(4) 3rd Aggravated stalking; violation of
injunction or court order.

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321	784.048 (7)	3rd	Aggravated stalking; violation of court order.
322	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
323	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
324	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
325	784.081 (1)	1st	Aggravated battery on specified official or employee.
326	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
327	784.083 (1)	1st	Aggravated battery on code inspector.
328	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
329	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.



330	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
331	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
332	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
333	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
334	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
335	796.03	2nd	Procuring any person under 16 years for prostitution.
336	800.04 (5) (c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.



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337 800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim
12 years of age or older but less than
16 years; offender 18 years or older.

338 806.01(2) 2nd Maliciously damage structure by fire or
explosive.

339 810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed;
no assault or battery.

340 810.02(3)(b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

341 810.02(3)(d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

342 810.02(3)(e) 2nd Burglary of authorized emergency
vehicle.

343 812.014(2)(a)1. 1st Property stolen, valued at \$100,000 or
more or a semitrailer deployed by a law
enforcement officer; property stolen
while causing other property damage;
1st degree grand theft.

344 812.014(2)(b)2. 2nd Property stolen, cargo valued at less
than \$50,000, grand theft in 2nd
degree.



345 812.014 (2) (b) 3. 2nd Property stolen, emergency medical
equipment; 2nd degree grand theft.

346 812.014 (2) (b) 4. 2nd Property stolen, law enforcement
equipment from authorized emergency
vehicle.

347 812.0145 (2) (a) 1st Theft from person 65 years of age or
older; \$50,000 or more.

348 812.019 (2) 1st Stolen property; initiates, organizes,
plans, etc., the theft of property and
traffics in stolen property.

349 812.131 (2) (a) 2nd Robbery by sudden snatching.

350 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon,
or other weapon.

351 817.234 (8) (a) 2nd Solicitation of motor vehicle accident
victims with intent to defraud.

352 817.234 (9) 2nd Organizing, planning, or participating
in an intentional motor vehicle
collision.

353 817.234 (11) (c) 1st Insurance fraud; property value
\$100,000 or more.



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354	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
355	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
356	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
357	<u>827.03 (2)</u> 827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
358	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
359	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
360	838.015	2nd	Bribery.
361			



362	838.016	2nd	Unlawful compensation or reward for official behavior.
363	838.021(3)(a)	2nd	Unlawful harm to a public servant.
364	838.22	2nd	Bid tampering.
365	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
366	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
367	872.06	2nd	Abuse of a dead human body.
368	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
369	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.



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- 370 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine
or other drug prohibited under s.
893.03(1)(a), (1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4., within 1,000 feet
of property used for religious services
or a specified business site.
- 371 893.13(4)(a) 1st Deliver to minor cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4. drugs).
- 372 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25
lbs., less than 2,000 lbs.
- 373 893.135(1)(b)1.a. 1st Trafficking in cocaine, more than 28
grams, less than 200 grams.
- 374 893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more than
4 grams, less than 14 grams.
- 375 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than
28 grams, less than 200 grams.
- 376 893.135(1)(e)1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.
- 377 893.135(1)(f)1. 1st Trafficking in amphetamine, more than
14 grams, less than 28 grams.



378	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
379	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
380	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
381	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
382	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
383	896.101(5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
384	896.104(4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435(4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with



reporting requirements.

385

943.0435(8) 2nd Sexual offender; remains in state after
indicating intent to leave; failure to
comply with reporting requirements.

386

943.0435(9)(a) 3rd Sexual offender; failure to comply with
reporting requirements.

387

943.0435(13) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

388

943.0435(14) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

389

944.607(9) 3rd Sexual offender; failure to comply with
reporting requirements.

390

944.607(10)(a) 3rd Sexual offender; failure to submit to
the taking of a digitized photograph.

391

944.607(12) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

392

944.607(13) 3rd Sexual offender; failure to report and
reregister; failure to respond to



address verification.

393 985.4815(10) 3rd Sexual offender; failure to submit to
the taking of a digitized photograph.

394 985.4815(12) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

395 985.4815(13) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

396
397 (i) LEVEL 9

398	Florida Statute	Felony Degree	Description
399	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
400	327.35(3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
401	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
402	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great



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bodily harm.

403

560.123 (8) (b) 3. 1st Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

404

560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

405

655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

406

775.0844 1st Aggravated white collar crime.

407

782.04 (1) 1st Attempt, conspire, or solicit to commit premeditated murder.

408

782.04 (3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.

409

782.051 (1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).



410 782.07(2) 1st Aggravated manslaughter of an elderly
person or disabled adult.

411 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward
or as a shield or hostage.

412 787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or
facilitate commission of any felony.

413 787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere
with performance of any governmental
or political function.

414 787.02(3)(a) 1st False imprisonment; child under age
13; perpetrator also commits
aggravated child abuse, sexual
battery, or lewd or lascivious
battery, molestation, conduct, or
exhibition.

415 790.161 1st Attempted capital destructive device
offense.

416 790.166(2) 1st,PBL Possessing, selling, using, or
attempting to use a weapon of mass
destruction.

417 794.011(2) 1st Attempted sexual battery; victim less



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than 12 years of age.

418

794.011(2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

419

794.011(4) 1st Sexual battery; victim 12 years or older, certain circumstances.

420

794.011(8)(b) 1st Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

421

794.08(2) 1st Female genital mutilation; victim younger than 18 years of age.

422

800.04(5)(b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

423

812.13(2)(a) 1st,PBL Robbery with firearm or other deadly weapon.

424

812.133(2)(a) 1st,PBL Carjacking; firearm or other deadly weapon.

425

812.135(2)(b) 1st Home-invasion robbery with weapon.

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817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
427		
<u>827.03 (2) (a)</u>	1st	Aggravated child abuse.
827.03 (2)		
428		
847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
429		
847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
430		
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
431		
893.135	1st	Attempted capital trafficking offense.
432		
893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
433		
893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
434		



435	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
436	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
437	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
438	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
439	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
440	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
441	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
442	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.



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Section 6. Subsection (1) of section 948.062, Florida Statutes, is amended to read:

948.062 Reviewing and reporting serious offenses committed by offenders placed on probation or community control.—

(1) The department shall review the circumstances related to an offender placed on probation or community control who has been arrested while on supervision for the following offenses:

(a) Any murder as provided in s. 782.04;

(b) Any sexual battery as provided in s. 794.011 or s. 794.023;

(c) Any sexual performance by a child as provided in s. 827.071;

(d) Any kidnapping, false imprisonment, or luring of a child as provided in s. 787.01, s. 787.02, or s. 787.025;

(e) Any lewd and lascivious battery or lewd and lascivious molestation as provided in s. 800.04(4) or (5);

(f) Any aggravated child abuse as provided in s. 827.03(2) (a) ~~s. 827.03(2)~~;

(g) Any robbery with a firearm or other deadly weapon, home invasion robbery, or carjacking as provided in s. 812.13(2) (a), s. 812.135, or s. 812.133;

(h) Any aggravated stalking as provided in s. 784.048(3), (4), or (5);

(i) Any forcible felony as provided in s. 776.08, committed by a ~~any~~ person on probation or community control who is designated as a sexual predator; or

(j) Any DUI manslaughter as provided in s. 316.193(3) (c), or vehicular or vessel homicide as provided in s. 782.071 or s.



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472 782.072, committed by a ~~any~~ person who is on probation or
473 community control for an offense involving death or injury
474 resulting from a driving incident.

475 Section 7. Paragraph (a) of subsection (3) and subsection
476 (14) of section 960.03, Florida Statutes, are amended to read:

477 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
478 960.01-960.28, unless the context otherwise requires, the term:

479 (3) "Crime" means:

480 (a) A felony or misdemeanor offense committed by either an
481 adult or a juvenile which results in physical injury or death,
482 including a felony or misdemeanor offense committed by either an
483 adult or a juvenile which results in psychiatric or
484 psychological injury to a person younger than 18 years of age
485 who was not physically injured by the criminal act. The term
486 also includes any ~~such~~ criminal act that ~~which~~ is committed
487 within this state but that ~~which~~ falls exclusively within
488 federal jurisdiction.

489 (14) "Victim" means:

490 (a) A person who suffers personal physical injury or death
491 as a direct result of a crime;

492 (b) A person younger than 18 years of age who was present
493 at the scene of a crime, saw or heard the crime, and suffered a
494 psychiatric or psychological injury because of the crime, but
495 who was not physically injured; ~~or~~

496 (c) A person younger than 18 years of age who was the
497 victim of a felony or misdemeanor offense that resulted in a
498 psychiatric or psychological injury, but who was not physically
499 injured; or

500 (d) ~~(e)~~ A person against whom a forcible felony was



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501 committed and who suffers a psychiatric or psychological injury
502 as a direct result of that crime but who does not otherwise
503 sustain a personal physical injury or death.

504 Section 8. This act shall take effect October 1, 2012.

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507 ===== T I T L E A M E N D M E N T =====

508 And the title is amended as follows:

509 Delete everything before the enacting clause
510 and insert:

511 A bill to be entitled

512 An act relating to criminal conduct; amending s.
513 827.03, F.S.; defining the term "mental injury" with
514 respect to the offenses of abuse, aggravated abuse,
515 and neglect of a child; requiring that a physician or
516 psychologist acting as an expert witness in certain
517 proceedings have certain credentials; amending ss.
518 775.084, 775.0877, 782.07, 921.0022, and 948.062,
519 F.S.; conforming cross-references; amending s. 960.03,
520 F.S.; redefining the term "crime" for purposes of
521 crime victims compensation to include additional forms
522 of injury; redefining the term "victim" to conform
523 with the modified definition of the term "crime";
524 providing an effective date.